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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,038	02/28/2002	Chan Seok Park	8051/OK340	6496
7590		11/17/2003	EXAMINER	
DARBY & DARBY P.C.		BALSIS, SHAY L		
805 Third Avenue		ART UNIT		
New York, NY 10022		PAPER NUMBER		

1744

DATE MAILED: 11/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/087,038

Applicant(s)

PARK, CHAN SEOK

Examiner

Shay L. Balsis

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☒ Claim(s) 1-5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 1-5 are objected to because of the following informalities:

Claim 1 recites the limitation "the other end" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "the other end" in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim 5, line 3 states "brush including..." however it should read brush including...-

Specification

2. The disclosure is objected to because of the following informalities:

The specification is objected to because reference numeral "40" and "50" have both been used to designate control unit. Correction is necessary.

The specification is objected to because reference numeral "50" has been used to designate both the handle and the control unit. Correction is necessary.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knight (USPN 6170108).

Knight teaches a portable dirt scrubber for cleaning foreign matters from the skin comprising a case including a handle (36), a head (39), a power supply (38) and a drive means to rotate the head. A contact member (51, 55) is coupled to a rotating shaft (59) and is adapted to clean the skin of a user. The contact member comprises a body of either a brush with a plurality of combs extending upward or a soft pad with a sponge. There is a coupling section (53, 59) provided at an inner surface of the body and coupled to the rotating shaft.

5. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker (USPN 5495632).

Baker teaches a portable dirt scrubber for cleaning foreign matters from the skin comprising a case including a handle (22), a head (20), a power supply (80) and a drive means (90) to rotate the head. A contact member (60', 60'') is coupled to a rotating shaft (74a, 74b) and is adapted to clean the skin of a user. The contact member comprises a body of either a brush with a plurality of combs extending upward or a soft pad with a sponge. There is a coupling section (76a, b and 54a, b) provided at an inner surface of the body and coupled to the rotating shaft.

6. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fry et al. "Fry" (USPN 4724563).

Fry teaches a portable dirt scrubber for cleaning foreign matters from the skin comprising a case including a handle (14), a head (24), a power supply (70) and a drive means (28) to rotate the head. A contact member (30) is coupled to a rotating shaft (34) and is adapted to clean the skin of a user. The contact member comprises a body of a brush with a plurality of combs extending upward. There is a coupling section (36) provided at an inner surface of the body and coupled to the rotating shaft.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-5 are rejected under 35 U.S.C. 102(c) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Herbert (USPN 6401289).

Herbert teaches an electrically driven dirt scrubber comprising a main body having a handle (66), a connecting assembly (26) configured to be adjustable in length and a head (54) coupled to the other end of the connecting assembly. A wireless power supply (44) and drive means (42) are mounted in the main body. The drive means are configured to rotate the head, which has a contact member (60) attached to remove dirt. There is a control unit (50) mounted in the main body which includes a switch for turning on and off and also for altering the speed of

the head. The handle, the connecting assembly and the head are made from a plastic material which exhibit a high heat/water resistance and a high impact absorbance. Herbert discloses the claimed invention except for the exact type of plastic used. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a urethane material as the plastic material for the handle, connecting assembly and head, since it has been held within the general skill of a worker in the art to select a know material on the basis of its suitability for the intended use as a matter of obvious engineering choice. *In re Leshin*, 125 USPQ 416.

9. Claims 1-5 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Watson (USPN 5511269).

Watson teaches an electrically driven dirt scrubber comprising a main body having a handle (22), a connecting assembly (14) configured to be adjustable in length and a head (16) coupled to the other end of the connecting assembly. A wireless power supply (34) and drive means (36) are mounted in the main body. The drive means are configured to rotate the head, which has a contact member (18) attached to remove dirt. There is a control unit (24, 26) mounted in the main body which includes a switch for turning on and off and also for altering the speed of the head. The handle, the connecting assembly and the head are made from a plastic material which exhibit a high heat/water resistance and a high impact absorbance. Watson discloses the claimed invention except for the exact type of plastic used. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a urethane material as the plastic material for the handle, connecting assembly and head, since it has been held within the general skill of a worker in the art to select a know material on the basis

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of its suitability for the intended use as a matter of obvious engineering choice. *In re Leshin*, 125 USPQ 416.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L. Balsis whose telephone number is presently 703-305-7275, after December 20, 2003 571-272-1268. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on 703-308-2920. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5665.

Slb
11/4/03

Robert J. Warden, Jr.